

REMARKS

Claims 1 – 8, 10 and 13 – 17, and 32 – 39 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

BEST AVAILABLE COPY

Claims 1, 10 and 13 to 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croat (U.S. Pat. No. 4,851,058) in view of Toshio et al., (Toshio, Japanese Patent Document 09-271909). This rejection is respectfully traversed.

Claim 1 has been amended and rewritten. More particularly, claim 1 now calls for the dimple correcting means to be defined by a plurality of ridges provided on the circumferential surface of the cooling roll for dividing dimples that are produced on a roll contact surface of the cooling roll, wherein the plurality of ridges are provided by forming a plurality of grooves at an angle less than or equal to 30° relative to an edge of said cooling roll with an average width of 0.5 – 90 µm in the circumferential surface of the cooling roll. Further, claim 1 now calls for each ridge to include a plurality of discrete, spaced apart regions. Such a configuration can be seen, for example, in Figure 19 of the application. Neither Croat nor Toshio teach such a cooling roll that would render the claimed method obvious.

More particularly, referring to Figures (a) and (c) of Toshio, a cooling roll is depicted wherein the ridges and grooves are provided in either a v-shape or a w-shape. As Toshio does not teach a plurality of ridges that are provided by forming a plurality of grooves at an angle less than or equal to 30° relative to an edge of the cooling roll wherein each ridge includes a plurality

of discreet, spaced apart regions, the alleged combination of Croat and Toshio does not yield the claimed method and, therefore, is not obvious.

Claims 2, 3, and 5 to 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croat taken in view of Toshio as applied to Claims 1, 10, and 13-17 above, and further in view of Fukuno et al. (U.S. Pat. No. 5,665,177). This rejection is respectfully traversed.

As stated above, Claim 1 has been amended to call for the dimple correcting means to be defined by a plurality of ridges provided on the circumferential surface of the cooling roll for dividing dimples that are produced on a roll contact surface of the cooling roll, wherein the plurality of ridges are provided by forming a plurality of grooves at an angle less than or equal to 30° relative to an edge of said cooling roll with an average width of 0.5 – 90 µm in the circumferential surface of the cooling roll. Further, claim 1 now calls for each ridge to include a plurality of discreet, spaced apart regions. Claims 2, 3, and 5 – 8 are dependant on Claim 1 and should be in condition for allowance for at least the same reasons. That is, neither Croat, Toshio, Fukuno, nor any combination thereof teaches or suggests such a magnetic material manufacturing method. As such, the claimed method is not obvious.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

BEST AVAILABLE COPY

NEW CLAIMS

New claims 32-39 have been added. These claims are fully supported by the specification and drawings as originally filed. No new matter has been added. New claims 32-34 are dependent on claim 1 and should be in condition for allowance for at least the same reasons as enumerated above.

New claim 35 calls for a manufacturing method of a ribbon-shaped magnetic material, wherein the dividing dimples step is accomplished by dimple correcting means defined by a plurality of ridges provided on a circumferential surface of the cooling roll, wherein the plurality of ridges are provided by forming at least two spiral grooves of which a direction of each spiral groove is different so that the grooves intersect on the circumferential surface of the cooling roll. The grooves have an average width of 0.5 – 90 μm to prevent a molten alloy of the magnetic material from entering the groove, and further, a ratio of an area of the grooves with respect to an area of the circumferential surface when they are projected on the same plane is in the range of 30 – 99.5%. This subject matter is supported, for example, by Figure 12. Neither Croat, Toshio, Fukuno, nor any combination thereof teaches, suggests or provides motivation to utilize such a magnetic material manufacturing method. As such, new claim 35 is neither anticipated nor obvious. Moreover, new claims 36-39 which are dependent on claim 35 are neither anticipated nor obvious. Accordingly, favorable consideration of these new claims is respectfully requested.

DOUBLE PATENTING

Claims 1-8, 10 and 13-17 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending application No. 09/833,805.

In order to obviate the double-patenting rejection, applicants elect to file a terminal disclaimer, included herewith. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

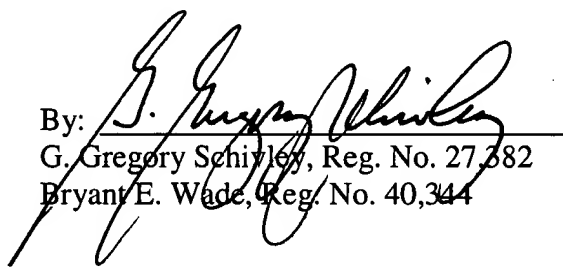
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Aug 22, 2003

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GGs/BEW/JAH

By: 
G. Gregory Schieler, Reg. No. 27,382
Bryant E. Wade, Reg. No. 40,344

BEST COPY AVAILABLE